



Rep. Monique D. Davis

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LRB098 03581 MLW 42032 a

1 AMENDMENT TO HOUSE BILL 756

2 AMENDMENT NO. _____. Amend House Bill 756 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 4-211, 11-208.3, and 11-208.7 as follows:

6 (625 ILCS 5/4-211) (from Ch. 95 1/2, par. 4-211)

7 Sec. 4-211. Disposition of proceeds of sale of unclaimed
8 vehicles.

9 (a) When a vehicle located within the corporate limits of a
10 city, village or town is authorized to be towed away by a law
11 enforcement agency having jurisdiction and disposed of as set
12 forth in this Chapter, the proceeds of the public sale or
13 disposition after the deduction of towing, storage and
14 processing charges shall be deposited in the treasury of such
15 city, village or town. Furthermore, the public sale or
16 disposition of the vehicle shall discharge any fines, fees, or

1 other costs associated with that vehicle which are due and
2 owing from the person who was the registered owner of the
3 vehicle at the time of its tow, impoundment, or immobilization.

4 (b) When a vehicle located outside the corporate limits of
5 a city, village or town is authorized to be towed away by a law
6 enforcement agency having jurisdiction and disposed of as set
7 forth in this Chapter, the proceeds of the public sale or
8 disposition, after deducting towing, storage and processing
9 costs shall be deposited in the county treasury of the county
10 where the vehicle was located at the time of the tow.

11 (c) The provisions of this Section shall not apply to
12 vehicles disposed of or sold at public sale under subsection
13 (k) of Section 4-107 of this Code.

14 (Source: P.A. 83-830.)

15 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

16 Sec. 11-208.3. Administrative adjudication of violations
17 of traffic regulations concerning the standing, parking, or
18 condition of vehicles, automated traffic law violations, and
19 automated speed enforcement system violations.

20 (a) Any municipality or county may provide by ordinance for
21 a system of administrative adjudication of vehicular standing
22 and parking violations and vehicle compliance violations as
23 described in this subsection, automated traffic law violations
24 as defined in Section 11-208.6 or 11-1201.1, and automated
25 speed enforcement system violations as defined in Section

1 11-208.8. The administrative system shall have as its purpose
2 the fair and efficient enforcement of municipal or county
3 regulations through the administrative adjudication of
4 automated speed enforcement system or automated traffic law
5 violations and violations of municipal or county ordinances
6 regulating the standing and parking of vehicles, the condition
7 and use of vehicle equipment, and the display of municipal or
8 county wheel tax licenses within the municipality's or county's
9 borders. The administrative system shall only have authority to
10 adjudicate civil offenses carrying fines not in excess of \$500
11 or requiring the completion of a traffic education program, or
12 both, that occur after the effective date of the ordinance
13 adopting such a system under this Section. For purposes of this
14 Section, "compliance violation" means a violation of a
15 municipal or county regulation governing the condition or use
16 of equipment on a vehicle or governing the display of a
17 municipal or county wheel tax license.

18 (b) Any ordinance establishing a system of administrative
19 adjudication under this Section shall provide for:

20 (1) A traffic compliance administrator authorized to
21 adopt, distribute and process parking, compliance, and
22 automated speed enforcement system or automated traffic
23 law violation notices and other notices required by this
24 Section, collect money paid as fines and penalties for
25 violation of parking and compliance ordinances and
26 automated speed enforcement system or automated traffic

1 law violations, and operate an administrative adjudication
2 system. The traffic compliance administrator also may make
3 a certified report to the Secretary of State under Section
4 6-306.5.

5 (2) A parking, standing, compliance, automated speed
6 enforcement system, or automated traffic law violation
7 notice that shall specify the date, time, and place of
8 violation of a parking, standing, compliance, automated
9 speed enforcement system, or automated traffic law
10 regulation; the particular regulation violated; any
11 requirement to complete a traffic education program; the
12 fine and any penalty that may be assessed for late payment
13 or failure to complete a required traffic education
14 program, or both, when so provided by ordinance; the
15 vehicle make and state registration number; and the
16 identification number of the person issuing the notice.
17 With regard to automated speed enforcement system or
18 automated traffic law violations, vehicle make shall be
19 specified on the automated speed enforcement system or
20 automated traffic law violation notice if the make is
21 available and readily discernible. With regard to
22 municipalities or counties with a population of 1 million
23 or more, it shall be grounds for dismissal of a parking
24 violation if the state registration number or vehicle make
25 specified is incorrect. The violation notice shall state
26 that the completion of any required traffic education

1 program, the payment of any indicated fine, and the payment
2 of any applicable penalty for late payment or failure to
3 complete a required traffic education program, or both,
4 shall operate as a final disposition of the violation. The
5 notice also shall contain information as to the
6 availability of a hearing in which the violation may be
7 contested on its merits. The violation notice shall specify
8 the time and manner in which a hearing may be had.

9 (3) Service of the parking, standing, or compliance
10 violation notice by affixing the original or a facsimile of
11 the notice to an unlawfully parked vehicle or by handing
12 the notice to the operator of a vehicle if he or she is
13 present and service of an automated speed enforcement
14 system or automated traffic law violation notice by mail to
15 the address of the registered owner or lessee of the cited
16 vehicle as recorded with the Secretary of State or the
17 lessor of the motor vehicle within 30 days after the
18 Secretary of State or the lessor of the motor vehicle
19 notifies the municipality or county of the identity of the
20 owner or lessee of the vehicle, but not later than 90 days
21 after the violation, except that in the case of a lessee of
22 a motor vehicle, service of an automated traffic law
23 violation notice may occur no later than 210 days after the
24 violation. A person authorized by ordinance to issue and
25 serve parking, standing, and compliance violation notices
26 shall certify as to the correctness of the facts entered on

1 the violation notice by signing his or her name to the
2 notice at the time of service or in the case of a notice
3 produced by a computerized device, by signing a single
4 certificate to be kept by the traffic compliance
5 administrator attesting to the correctness of all notices
6 produced by the device while it was under his or her
7 control. In the case of an automated traffic law violation,
8 the ordinance shall require a determination by a technician
9 employed or contracted by the municipality or county that,
10 based on inspection of recorded images, the motor vehicle
11 was being operated in violation of Section 11-208.6 or
12 11-1201.1 or a local ordinance. If the technician
13 determines that the vehicle entered the intersection as
14 part of a funeral procession or in order to yield the
15 right-of-way to an emergency vehicle, a citation shall not
16 be issued. In municipalities with a population of less than
17 1,000,000 inhabitants and counties with a population of
18 less than 3,000,000 inhabitants, the automated traffic law
19 ordinance shall require that all determinations by a
20 technician that a motor vehicle was being operated in
21 violation of Section 11-208.6 or 11-1201.1 or a local
22 ordinance must be reviewed and approved by a law
23 enforcement officer or retired law enforcement officer of
24 the municipality or county issuing the violation. In
25 municipalities with a population of 1,000,000 or more
26 inhabitants and counties with a population of 3,000,000 or

1 more inhabitants, the automated traffic law ordinance
2 shall require that all determinations by a technician that
3 a motor vehicle was being operated in violation of Section
4 11-208.6 or 11-1201.1 or a local ordinance must be reviewed
5 and approved by a law enforcement officer or retired law
6 enforcement officer of the municipality or county issuing
7 the violation or by an additional fully-trained reviewing
8 technician who is not employed by the contractor who
9 employs the technician who made the initial determination.
10 In the case of an automated speed enforcement system
11 violation, the ordinance shall require a determination by a
12 technician employed by the municipality, based upon an
13 inspection of recorded images, video or other
14 documentation, including documentation of the speed limit
15 and automated speed enforcement signage, and documentation
16 of the inspection, calibration, and certification of the
17 speed equipment, that the vehicle was being operated in
18 violation of Article VI of Chapter 11 of this Code or a
19 similar local ordinance. If the technician determines that
20 the vehicle speed was not determined by a calibrated,
21 certified speed equipment device based upon the speed
22 equipment documentation, or if the vehicle was an emergency
23 vehicle, a citation may not be issued. The automated speed
24 enforcement ordinance shall require that all
25 determinations by a technician that a violation occurred be
26 reviewed and approved by a law enforcement officer or

1 retired law enforcement officer of the municipality
2 issuing the violation or by an additional fully trained
3 reviewing technician who is not employed by the contractor
4 who employs the technician who made the initial
5 determination. Routine and independent calibration of the
6 speeds produced by automated speed enforcement systems and
7 equipment shall be conducted by a qualified technician.
8 Speeds produced by an automated speed enforcement system
9 shall be compared with speeds produced by lidar or other
10 independent equipment. Qualified technicians shall test
11 radar or lidar equipment no less frequently than once each
12 week, and shall test loop based equipment no less
13 frequently than once a year. Radar equipment shall be
14 checked for accuracy by a qualified technician when the
15 unit is serviced, when unusual or suspect readings persist,
16 or when deemed necessary by a reviewing technician. Radar
17 equipment shall be checked with certified tuning forks, the
18 internal circuit test, and diode display test whenever the
19 radar is turned on. Technicians must be alert for any
20 unusual or suspect readings, and if unusual or suspect
21 readings of a radar unit persist, that unit shall
22 immediately be removed from service and not returned to
23 service until it has been checked by a qualified technician
24 and determined to be functioning properly. Documentation
25 of the calibration results, including the equipment
26 tested, test date, technician performing the test, and test

1 results, shall be maintained and available for use in the
2 determination of an automated speed enforcement system
3 violation and issuance of a citation. The technician
4 performing the calibration and testing of the automated
5 speed enforcement equipment shall be trained and certified
6 in the use of equipment for speed enforcement purposes.
7 Training on the speed enforcement equipment may be
8 conducted by law enforcement, civilian, or manufacturer's
9 personnel and shall be equivalent to the equipment use and
10 operations training included in the Speed Measuring Device
11 Operator Program developed by the National Highway Traffic
12 Safety Administration (NHTSA). The technician who performs
13 the work shall keep accurate records on each piece of
14 equipment the technician calibrates and tests. As used in
15 this paragraph, "fully-trained reviewing technician" means
16 a person who has received at least 40 hours of supervised
17 training in subjects which shall include image inspection
18 and interpretation, the elements necessary to prove a
19 violation, license plate identification, and traffic
20 safety and management. In all municipalities and counties,
21 the automated speed enforcement system or automated
22 traffic law ordinance shall require that no additional fee
23 shall be charged to the alleged violator for exercising his
24 or her right to an administrative hearing, and persons
25 shall be given at least 25 days following an administrative
26 hearing to pay any civil penalty imposed by a finding that

1 Section 11-208.6, 11-208.8, or 11-1201.1 or a similar local
2 ordinance has been violated. The original or a facsimile of
3 the violation notice or, in the case of a notice produced
4 by a computerized device, a printed record generated by the
5 device showing the facts entered on the notice, shall be
6 retained by the traffic compliance administrator, and
7 shall be a record kept in the ordinary course of business.
8 A parking, standing, compliance, automated speed
9 enforcement system, or automated traffic law violation
10 notice issued, signed and served in accordance with this
11 Section, a copy of the notice, or the computer generated
12 record shall be prima facie correct and shall be prima
13 facie evidence of the correctness of the facts shown on the
14 notice. The notice, copy, or computer generated record
15 shall be admissible in any subsequent administrative or
16 legal proceedings.

17 (4) An opportunity for a hearing for the registered
18 owner of the vehicle cited in the parking, standing,
19 compliance, automated speed enforcement system, or
20 automated traffic law violation notice in which the owner
21 may contest the merits of the alleged violation, and during
22 which formal or technical rules of evidence shall not
23 apply; provided, however, that under Section 11-1306 of
24 this Code the lessee of a vehicle cited in the violation
25 notice likewise shall be provided an opportunity for a
26 hearing of the same kind afforded the registered owner. The

1 hearings shall be recorded, and the person conducting the
2 hearing on behalf of the traffic compliance administrator
3 shall be empowered to administer oaths and to secure by
4 subpoena both the attendance and testimony of witnesses and
5 the production of relevant books and papers. Persons
6 appearing at a hearing under this Section may be
7 represented by counsel at their expense. The ordinance may
8 also provide for internal administrative review following
9 the decision of the hearing officer.

10 (5) Service of additional notices, sent by first class
11 United States mail, postage prepaid, to the address of the
12 registered owner of the cited vehicle as recorded with the
13 Secretary of State or, if any notice to that address is
14 returned as undeliverable, to the last known address
15 recorded in a United States Post Office approved database,
16 or, under Section 11-1306 or subsection (p) of Section
17 11-208.6, or subsection (p) of Section 11-208.8 of this
18 Code, to the lessee of the cited vehicle at the last
19 address known to the lessor of the cited vehicle at the
20 time of lease or, if any notice to that address is returned
21 as undeliverable, to the last known address recorded in a
22 United States Post Office approved database. The service
23 shall be deemed complete as of the date of deposit in the
24 United States mail. The notices shall be in the following
25 sequence and shall include but not be limited to the
26 information specified herein:

1 (i) A second notice of parking, standing, or
2 compliance violation. This notice shall specify the
3 date and location of the violation cited in the
4 parking, standing, or compliance violation notice, the
5 particular regulation violated, the vehicle make and
6 state registration number, any requirement to complete
7 a traffic education program, the fine and any penalty
8 that may be assessed for late payment or failure to
9 complete a traffic education program, or both, when so
10 provided by ordinance, the availability of a hearing in
11 which the violation may be contested on its merits, and
12 the time and manner in which the hearing may be had.
13 The notice of violation shall also state that failure
14 to complete a required traffic education program, to
15 pay the indicated fine and any applicable penalty, or
16 to appear at a hearing on the merits in the time and
17 manner specified, will result in a final determination
18 of violation liability for the cited violation in the
19 amount of the fine or penalty indicated, and that, upon
20 the occurrence of a final determination of violation
21 liability for the failure, and the exhaustion of, or
22 failure to exhaust, available administrative or
23 judicial procedures for review, any incomplete traffic
24 education program or any unpaid fine or penalty, or
25 both, will constitute a debt due and owing the
26 municipality or county.

1 (ii) A notice of final determination of parking,
2 standing, compliance, automated speed enforcement
3 system, or automated traffic law violation liability.
4 This notice shall be sent following a final
5 determination of parking, standing, compliance,
6 automated speed enforcement system, or automated
7 traffic law violation liability and the conclusion of
8 judicial review procedures taken under this Section.
9 The notice shall state that the incomplete traffic
10 education program or the unpaid fine or penalty, or
11 both, is a debt due and owing the municipality or
12 county. The notice shall contain warnings that failure
13 to complete any required traffic education program or
14 to pay any fine or penalty due and owing the
15 municipality or county, or both, within the time
16 specified may result in the municipality's or county's
17 filing of a petition in the Circuit Court to have the
18 incomplete traffic education program or unpaid fine or
19 penalty, or both, rendered a judgment as provided by
20 this Section, or may result in suspension of the
21 person's drivers license for failure to complete a
22 traffic education program or to pay fines or penalties,
23 or both, for 10 or more parking violations under
24 Section 6-306.5, or a combination of 5 or more
25 automated traffic law violations under Section
26 11-208.6 or automated speed enforcement system

1 violations under Section 11-208.8.

2 (6) A notice of impending drivers license suspension.
3 This notice shall be sent to the person liable for failure
4 to complete a required traffic education program or to pay
5 any fine or penalty that remains due and owing, or both, on
6 10 or more parking violations or combination of 5 or more
7 unpaid automated speed enforcement system or automated
8 traffic law violations. The notice shall state that failure
9 to complete a required traffic education program or to pay
10 the fine or penalty owing, or both, within 45 days of the
11 notice's date will result in the municipality or county
12 notifying the Secretary of State that the person is
13 eligible for initiation of suspension proceedings under
14 Section 6-306.5 of this Code. The notice shall also state
15 that the person may obtain a photostatic copy of an
16 original ticket imposing a fine or penalty by sending a
17 self addressed, stamped envelope to the municipality or
18 county along with a request for the photostatic copy. The
19 notice of impending drivers license suspension shall be
20 sent by first class United States mail, postage prepaid, to
21 the address recorded with the Secretary of State or, if any
22 notice to that address is returned as undeliverable, to the
23 last known address recorded in a United States Post Office
24 approved database.

25 (7) Final determinations of violation liability. A
26 final determination of violation liability shall occur

1 following failure to complete the required traffic
2 education program or to pay the fine or penalty, or both,
3 after a hearing officer's determination of violation
4 liability and the exhaustion of or failure to exhaust any
5 administrative review procedures provided by ordinance.
6 Where a person fails to appear at a hearing to contest the
7 alleged violation in the time and manner specified in a
8 prior mailed notice, the hearing officer's determination
9 of violation liability shall become final: (A) upon denial
10 of a timely petition to set aside that determination, or
11 (B) upon expiration of the period for filing the petition
12 without a filing having been made.

13 (8) A petition to set aside a determination of parking,
14 standing, compliance, automated speed enforcement system,
15 or automated traffic law violation liability that may be
16 filed by a person owing an unpaid fine or penalty. A
17 petition to set aside a determination of liability may also
18 be filed by a person required to complete a traffic
19 education program. The petition shall be filed with and
20 ruled upon by the traffic compliance administrator in the
21 manner and within the time specified by ordinance. The
22 grounds for the petition may be limited to: (A) the person
23 not having been the owner or lessee of the cited vehicle on
24 the date the violation notice was issued, (B) the person
25 having already completed the required traffic education
26 program or paid the fine or penalty, or both, for the

1 violation in question, and (C) excusable failure to appear
2 at or request a new date for a hearing. With regard to
3 municipalities or counties with a population of 1 million
4 or more, it shall be grounds for dismissal of a parking
5 violation if the state registration number, or vehicle make
6 if specified, is incorrect. After the determination of
7 parking, standing, compliance, automated speed enforcement
8 system, or automated traffic law violation liability has
9 been set aside upon a showing of just cause, the registered
10 owner shall be provided with a hearing on the merits for
11 that violation.

12 (9) Procedures for non-residents. Procedures by which
13 persons who are not residents of the municipality or county
14 may contest the merits of the alleged violation without
15 attending a hearing.

16 (10) A schedule of civil fines for violations of
17 vehicular standing, parking, compliance, automated speed
18 enforcement system, or automated traffic law regulations
19 enacted by ordinance pursuant to this Section, and a
20 schedule of penalties for late payment of the fines or
21 failure to complete required traffic education programs,
22 provided, however, that the total amount of the fine and
23 penalty for any one violation shall not exceed \$250, except
24 as provided in subsection (c) of Section 11-1301.3 of this
25 Code.

26 (11) Other provisions as are necessary and proper to

1 carry into effect the powers granted and purposes stated in
2 this Section.

3 (c) Any municipality or county establishing vehicular
4 standing, parking, compliance, automated speed enforcement
5 system, or automated traffic law regulations under this Section
6 may also provide by ordinance for a program of vehicle
7 immobilization for the purpose of facilitating enforcement of
8 those regulations. The program of vehicle immobilization shall
9 provide for immobilizing any eligible vehicle upon the public
10 way by presence of a restraint in a manner to prevent operation
11 of the vehicle. Any ordinance establishing a program of vehicle
12 immobilization under this Section shall provide:

13 (1) Criteria for the designation of vehicles eligible
14 for immobilization. A vehicle shall be eligible for
15 immobilization when the registered owner of the vehicle has
16 accumulated the number of incomplete traffic education
17 programs or unpaid final determinations of parking,
18 standing, compliance, automated speed enforcement system,
19 or automated traffic law violation liability, or both, as
20 determined by ordinance.

21 (2) A notice of impending vehicle immobilization and a
22 right to a hearing to challenge the validity of the notice
23 by disproving liability for the incomplete traffic
24 education programs or unpaid final determinations of
25 parking, standing, compliance, automated speed enforcement
26 system, or automated traffic law violation liability, or

1 both, listed on the notice.

2 (3) The right to a prompt hearing after a vehicle has
3 been immobilized or subsequently towed without the
4 completion of the required traffic education program or
5 payment of the outstanding fines and penalties on parking,
6 standing, compliance, automated speed enforcement system,
7 or automated traffic law violations, or both, for which
8 final determinations have been issued. An order issued
9 after the hearing is a final administrative decision within
10 the meaning of Section 3-101 of the Code of Civil
11 Procedure.

12 (4) A post immobilization and post-towing notice
13 advising the registered owner of the vehicle of the right
14 to a hearing to challenge the validity of the impoundment.

15 (d) Judicial review of final determinations of parking,
16 standing, compliance, automated speed enforcement system, or
17 automated traffic law violations and final administrative
18 decisions issued after hearings regarding vehicle
19 immobilization and impoundment made under this Section shall be
20 subject to the provisions of the Administrative Review Law.

21 (e) Any fine, penalty, incomplete traffic education
22 program, or part of any fine or any penalty remaining unpaid
23 after the exhaustion of, or the failure to exhaust,
24 administrative remedies created under this Section and the
25 conclusion of any judicial review procedures shall be a debt
26 due and owing the municipality or county and, as such, may be

1 collected in accordance with applicable law. Completion of any
2 required traffic education program and payment in full of any
3 fine or penalty resulting from a standing, parking, compliance,
4 automated speed enforcement system, or automated traffic law
5 violation shall constitute a final disposition of that
6 violation. If the vehicle that was the subject of the
7 underlying offense is sold, claimed, or otherwise disposed of
8 by the county or municipality or their agents, any fine,
9 penalty, incomplete traffic education program, or part of any
10 fine or any penalty remaining unpaid by the person who was the
11 registered owner at the time of the immobilization, towing, or
12 impoundment of that vehicle, including but not limited to any
13 finances related to the underlying offense, court costs, towing
14 and storage costs, and administrative fees, shall be considered
15 discharged.

16 (f) After the expiration of the period within which
17 judicial review may be sought for a final determination of
18 parking, standing, compliance, automated speed enforcement
19 system, or automated traffic law violation, the municipality or
20 county may commence a proceeding in the Circuit Court for
21 purposes of obtaining a judgment on the final determination of
22 violation. Nothing in this Section shall prevent a municipality
23 or county from consolidating multiple final determinations of
24 parking, standing, compliance, automated speed enforcement
25 system, or automated traffic law violations against a person in
26 a proceeding. Upon commencement of the action, the municipality

1 or county shall file a certified copy or record of the final
2 determination of parking, standing, compliance, automated
3 speed enforcement system, or automated traffic law violation,
4 which shall be accompanied by a certification that recites
5 facts sufficient to show that the final determination of
6 violation was issued in accordance with this Section and the
7 applicable municipal or county ordinance. Service of the
8 summons and a copy of the petition may be by any method
9 provided by Section 2-203 of the Code of Civil Procedure or by
10 certified mail, return receipt requested, provided that the
11 total amount of fines and penalties for final determinations of
12 parking, standing, compliance, automated speed enforcement
13 system, or automated traffic law violations does not exceed
14 \$2500. If the court is satisfied that the final determination
15 of parking, standing, compliance, automated speed enforcement
16 system, or automated traffic law violation was entered in
17 accordance with the requirements of this Section and the
18 applicable municipal or county ordinance, and that the
19 registered owner or the lessee, as the case may be, had an
20 opportunity for an administrative hearing and for judicial
21 review as provided in this Section, the court shall render
22 judgment in favor of the municipality or county and against the
23 registered owner or the lessee for the amount indicated in the
24 final determination of parking, standing, compliance,
25 automated speed enforcement system, or automated traffic law
26 violation, plus costs. The judgment shall have the same effect

1 and may be enforced in the same manner as other judgments for
2 the recovery of money.

3 (g) The fee for participating in a traffic education
4 program under this Section shall not exceed \$25.

5 A low-income individual required to complete a traffic
6 education program under this Section who provides proof of
7 eligibility for the federal earned income tax credit under
8 Section 32 of the Internal Revenue Code or the Illinois earned
9 income tax credit under Section 212 of the Illinois Income Tax
10 Act shall not be required to pay any fee for participating in a
11 required traffic education program.

12 (Source: P.A. 96-288, eff. 8-11-09; 96-478, eff. 1-1-10;
13 96-1000, eff. 7-2-10; 96-1016, eff. 1-1-11; 96-1386, eff.
14 7-29-10; 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672, eff.
15 7-1-12.)

16 (625 ILCS 5/11-208.7)

17 Sec. 11-208.7. Administrative fees and procedures for
18 impounding vehicles for specified violations.

19 (a) Any municipality may, consistent with this Section,
20 provide by ordinance procedures for the release of properly
21 impounded vehicles and for the imposition of a reasonable
22 administrative fee related to its administrative and
23 processing costs associated with the investigation, arrest,
24 and detention of an offender, or the removal, impoundment,
25 storage, and release of the vehicle. The administrative fee

1 imposed by the municipality may be in addition to any fees
2 charged for the towing and storage of an impounded vehicle. The
3 administrative fee shall be waived by the municipality upon
4 verifiable proof that the vehicle was stolen at the time the
5 vehicle was impounded.

6 (b) Any ordinance establishing procedures for the release
7 of properly impounded vehicles under this Section may impose
8 fees for the following violations:

9 (1) operation or use of a motor vehicle in the
10 commission of, or in the attempt to commit, an offense for
11 which a motor vehicle may be seized and forfeited pursuant
12 to Section 36-1 of the Criminal Code of 2012; or

13 (2) driving under the influence of alcohol, another
14 drug or drugs, an intoxicating compound or compounds, or
15 any combination thereof, in violation of Section 11-501 of
16 this Code; or

17 (3) operation or use of a motor vehicle in the
18 commission of, or in the attempt to commit, a felony or in
19 violation of the Cannabis Control Act; or

20 (4) operation or use of a motor vehicle in the
21 commission of, or in the attempt to commit, an offense in
22 violation of the Illinois Controlled Substances Act; or

23 (5) operation or use of a motor vehicle in the
24 commission of, or in the attempt to commit, an offense in
25 violation of Section 24-1, 24-1.5, or 24-3.1 of the
26 Criminal Code of 1961 or the Criminal Code of 2012; or

1 (6) driving while a driver's license, permit, or
2 privilege to operate a motor vehicle is suspended or
3 revoked pursuant to Section 6-303 of this Code; except that
4 vehicles shall not be subjected to seizure or impoundment
5 if the suspension is for an unpaid citation (parking or
6 moving) or due to failure to comply with emission testing;
7 or

8 (7) operation or use of a motor vehicle while
9 soliciting, possessing, or attempting to solicit or
10 possess cannabis or a controlled substance, as defined by
11 the Cannabis Control Act or the Illinois Controlled
12 Substances Act; or

13 (8) operation or use of a motor vehicle with an expired
14 driver's license, in violation of Section 6-101 of this
15 Code, if the period of expiration is greater than one year;
16 or

17 (9) operation or use of a motor vehicle without ever
18 having been issued a driver's license or permit, in
19 violation of Section 6-101 of this Code, or operating a
20 motor vehicle without ever having been issued a driver's
21 license or permit due to a person's age; or

22 (10) operation or use of a motor vehicle by a person
23 against whom a warrant has been issued by a circuit clerk
24 in Illinois for failing to answer charges that the driver
25 violated Section 6-101, 6-303, or 11-501 of this Code; or

26 (11) operation or use of a motor vehicle in the

1 commission of, or in the attempt to commit, an offense in
2 violation of Article 16 or 16A of the Criminal Code of 1961
3 or the Criminal Code of 2012; or

4 (12) operation or use of a motor vehicle in the
5 commission of, or in the attempt to commit, any other
6 misdemeanor or felony offense in violation of the Criminal
7 Code of 1961 or the Criminal Code of 2012, when so provided
8 by local ordinance.

9 (c) The following shall apply to any fees imposed for
10 administrative and processing costs pursuant to subsection
11 (b):

12 (1) All administrative fees and towing and storage
13 charges shall be imposed on the registered owner of the
14 motor vehicle or the agents of that owner.

15 (2) The fees shall be in addition to (i) any other
16 penalties that may be assessed by a court of law for the
17 underlying violations; and (ii) any towing or storage fees,
18 or both, charged by the towing company.

19 (3) The fees shall be uniform for all similarly
20 situated vehicles.

21 (4) The fees shall be collected by and paid to the
22 municipality imposing the fees.

23 (5) The towing or storage fees, or both, shall be
24 collected by and paid to the person, firm, or entity that
25 tows and stores the impounded vehicle.

26 (d) Any ordinance establishing procedures for the release

1 of properly impounded vehicles under this Section shall provide
2 for an opportunity for a hearing, as provided in subdivision
3 (b) (4) of Section 11-208.3 of this Code, and for the release of
4 the vehicle to the owner of record, lessee, or a lienholder of
5 record upon payment of all administrative fees and towing and
6 storage fees.

7 (e) Any ordinance establishing procedures for the
8 impoundment and release of vehicles under this Section shall
9 include the following provisions concerning notice of
10 impoundment:

11 (1) Whenever a police officer has cause to believe that
12 a motor vehicle is subject to impoundment, the officer
13 shall provide for the towing of the vehicle to a facility
14 authorized by the municipality.

15 (2) At the time the vehicle is towed, the municipality
16 shall notify or make a reasonable attempt to notify the
17 owner, lessee, or person identifying himself or herself as
18 the owner or lessee of the vehicle, or any person who is
19 found to be in control of the vehicle at the time of the
20 alleged offense, of the fact of the seizure, and of the
21 vehicle owner's or lessee's right to an administrative
22 hearing.

23 (3) The municipality shall also provide notice that the
24 motor vehicle will remain impounded pending the completion
25 of an administrative hearing, unless the owner or lessee of
26 the vehicle or a lienholder posts with the municipality a

1 bond equal to the administrative fee as provided by
2 ordinance and pays for all towing and storage charges.

3 (f) Any ordinance establishing procedures for the
4 impoundment and release of vehicles under this Section shall
5 include a provision providing that the registered owner or
6 lessee of the vehicle and any lienholder of record shall be
7 provided with a notice of hearing. The notice shall:

8 (1) be served upon the owner, lessee, and any
9 lienholder of record either by personal service or by first
10 class mail to the interested party's address as registered
11 with the Secretary of State;

12 (2) be served upon interested parties within 10 days
13 after a vehicle is impounded by the municipality; and

14 (3) contain the date, time, and location of the
15 administrative hearing. An initial hearing shall be
16 scheduled and convened no later than 45 days after the date
17 of the mailing of the notice of hearing.

18 (g) In addition to the requirements contained in
19 subdivision (b) (4) of Section 11-208.3 of this Code relating to
20 administrative hearings, any ordinance providing for the
21 impoundment and release of vehicles under this Section shall
22 include the following requirements concerning administrative
23 hearings:

24 (1) administrative hearings shall be conducted by a
25 hearing officer who is an attorney licensed to practice law
26 in this State for a minimum of 3 years;

1 (2) at the conclusion of the administrative hearing,
2 the hearing officer shall issue a written decision either
3 sustaining or overruling the vehicle impoundment;

4 (3) if the basis for the vehicle impoundment is
5 sustained by the administrative hearing officer, any
6 administrative fee posted to secure the release of the
7 vehicle shall be forfeited to the municipality;

8 (4) all final decisions of the administrative hearing
9 officer shall be subject to review under the provisions of
10 the Administrative Review Law; and

11 (5) unless the administrative hearing officer
12 overturns the basis for the vehicle impoundment, no vehicle
13 shall be released to the owner, lessee, or lienholder of
14 record until all administrative fees and towing and storage
15 charges are paid.

16 (h) Vehicles not retrieved from the towing facility or
17 storage facility within 35 days after the administrative
18 hearing officer issues a written decision ~~may shall~~ be deemed
19 abandoned and disposed of in accordance with the provisions of
20 Article II of Chapter 4 of this Code. If the county or
21 municipality takes title to the vehicle or if the vehicle is
22 disposed of the person who was the registered owner at the time
23 of the vehicle's impoundment shall be discharged of any fines,
24 fees, administrative penalties, and other costs associated
25 with the vehicle's immobilization, towing, or impoundment,
26 including but not limited to any fine for the underlying

1 offense which led to the vehicle's impoundment.

2 (i) Unless stayed by a court of competent jurisdiction, any
3 fine, penalty, or administrative fee imposed under this Section
4 which remains unpaid in whole or in part after the expiration
5 of the deadline for seeking judicial review under the
6 Administrative Review Law may be enforced in the same manner as
7 a judgment entered by a court of competent jurisdiction.

8 (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13.)

9 (625 ILCS 5/4-209.2 rep.)

10 Section 10. The Illinois Vehicle Code is amended by
11 repealing Section 4-209.2."